

Applic. No. 10/033,127
Amdt. dated June 14, 2006
Reply to Office action of March 30, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 2-5, 7, 10, and 12 remain in the application. Claims 10 and 12 have been amended. Claims 1, 8, 9, 11, 13, and 14 were previously cancelled from the application.

In item 2 on page 2 of the above-noted Office action, claims 2, 3, 5, 7, 10, and 12 have been rejected as being obvious over Konrad et al. (U.S. Patent Application Publication No. 2002/0014171 A1) (hereinafter "Konrad") in view of Dini (U.S. Patent No. 3,964,386) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 17, lines 6-20 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 11 and 12 call for, *inter alia*:

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a printing form cylinder, a zone-less inking unit including an ink-metering device having a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller, the roller rolling on the printing form cylinder during a printing operation ... and an oscillation device assigned to said single metering element.

As will be seen from the following remarks, applicant respectfully disagrees with the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink metering device having a single metering element (1, Fig. 5)."

A printing machine typically has a printing form cylinder, which is also called a form cylinder or plate cylinder and which carries the printing form or printing plate. Common English terms are "plate cylinder", "form cylinder" or "printing form cylinder". The instant application discloses that the printing form cylinder is designated with reference numeral "4" (page 17, line 10). Konrad discloses that the "form cylinder" is designated with reference numeral "3" (Fig. 5 and paragraph [0046]).

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Furthermore, printing machines typically have an ink application roller, which is the roller rolling onto the printing form cylinder or onto the printing plate mounted on the printing form cylinder. Common English terms for the roller are "ink application roller", "application roll", "ink form roller" and "form roller". The instant application discloses that the ink application roller is designated with reference numeral "7" (page 17, lines 15-17). Konrad discloses that the ink application roller is designated with reference numeral "1" (Fig. 5 and paragraph [0046]).

In accordance with claims 10 and 12 of the instant application, the metering element and the ink application roller are two different elements.

Accordingly, it is respectfully noted that the Examiner incorrectly identifies the ink application roller "1" of Konrad with the "metering element" of the instant application. Therefore, it is respectfully noted that the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink metering device having a single metering element (1, Fig. 5)", is not correct. As explained above, they are two different elements, element "1" of Konrad is not a metering element.

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Furthermore, as will be seen below, applicant respectfully disagrees with the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink form roller ("form cylinder 3,")". More specifically, Konrad discloses that the element designated with the reference symbol "3" is the "form cylinder", it is not an ink application roller as recited in the claims of the instant application. The difference is also seen in the attached pages of the Polygraphic Dictionary of the Graphic Arts and Communications Technology. Accordingly, it is respectfully noted that the Examiner's allegation that Konrad discloses "an ink form roller ("form cylinder 3,")", is not accurate.

The Examiner alleges that a metering element, which does not oscillate, in the form of the roller (1) of Konrad is present, and that a metering element in the form of the knife (doctor blade arrangement 3) of Dini is present. The Examiner alleges that the knife (3) of Dini oscillates in the same manner as the present invention. The Examiner alleges that it would be obvious to use the device for oscillating the knife (3) of Dini for oscillating the roller (1) of Konrad.

Applicant respectfully disagrees with the Examiner's allegations. More specifically, as seen from the above provide remarks, contrary to the knife (3) of Dini, the roller

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(1) of Konrad is not a metering element. Dini discloses that the knife (3) and not the cylinder (12), of Dini, is oscillated. Accordingly, there is no motivation for a person of ordinary skill in the art to provide the roller (1) of Konrad with an oscillation device as disclosed in Dini.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above given remarks, the references do not show or suggest a printing form cylinder, a zone-less inking unit including an ink-metering device having a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller, the roller rolling on the printing form cylinder during a printing operation ... and an oscillation device assigned to said single metering element, as recited in claims 10 and 12 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

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Furthermore, a critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614,1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." Id. (quoting W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453,1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant. See In re Dance,

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160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998);
In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125,1127 (Fed. Cir.
1984) .

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981) (and cases cited therein). Whether the Examiner relies on an express or an implicit showing, the Examiner must provide particular findings related thereto. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." Id. When an Examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed

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on the record. See In re Lee, 277 F-3d 1338, 1342-45, 61
USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

Upon evaluation of the Examiner's comments, it is respectfully
believed that the evidence adduced by the Examiner is
insufficient to establish a prima facie case of obviousness
with respect to the claims. Accordingly, the Examiner is
requested to withdraw the rejection.

Since claim 10 is believed to be allowable, dependent claims
2, 3, 5, and 7 are believed to be allowable as well.

In item 3 on page 5 of the above-noted Office action, claim 4
has been rejected as being obvious over Konrad (U.S. Patent
Application Publication No. 2002/0014171 A1) in view of Dini
(U.S. Patent No. 3,964,386) and further in view of Jeschke
(U.S. Patent No. 4,089,264) under 35 U.S.C. § 103. Jeschke
does not make up for the deficiencies of Konrad and Dini.
Since claim 1 is believed to be allowable, dependent claim 4
is believed to be allowable as well.

It is accordingly believed to be clear that none of the
references, whether taken alone or in any combination, either
show or suggest the features of claims 10 or 12. Claims 10
and 12 are, therefore, believed to be patentable over the art

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and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 2-5, 7, 10, and 12 are solicited.

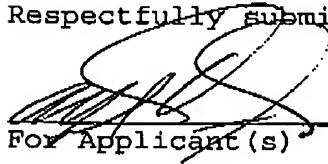
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,


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June 14, 2006

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**POLYGRAPH WÖRTERBUCH
FÜR DIE DRUCKINDUSTRIE
UND KOMMUNIKATIONSTECHNIK**

Deutsch-Englisch Englisch-Deutsch

Patentabteilung

**POLYGRAPH DICTIONARY
OF THE GRAPHIC ARTS
AND COMMUNICATIONS TECHNOLOGY**

German-English English-German



POLYGRAPH VERLAG · FRANKFURT AM MAIN

folding blade - format

folding blade Falzmasse *n*, Falzschwen *n*
 folding box Falzschachtel *f*
 folding boxboard Falzschachtelkarton *m*
 folding box glass Falzschachtelgläsermaschine *f*
 folding box gluing Falzschachtelklebung *f*
 folding carton Falzschachtel *f*
 folding cylinder Falztrichter *m*, Falzzyylinder *m*
 folding drum see folding cylinder
 folding jaw (press folder) Falzklappe *f*
 folding knife Falzmesser *n*, Falzschwen *n*
 folding lay (other registration) Falzanlage *f*
 folding layout Falzschema *n*
 folding machine Falzmaschine *f*; *automatisch - Falzmaschine* *m*
 folding unit Falzerein *n*, Falzmarke *f*
 folding plate (press folder) Falzplatte *f*
 folding register Falzregister *n*
 folding rollers *pl* Falzrollen *pl*
 folding sample Falzmuster *n*
 folding type Falzdrucken *m*
 folding stick Falzstiel *n*
 folding unit Falzwerk *n*
 fold lay mark Falzanlage *f*
 fold leading (convey) Falz voraus, vorne
 fold leading Falzführungs *f*
 fold membrane Falzmembran *f*
 fold-out (plate) (book) Austauschplatte *f*
 fold over vorknicken
 fold perforation Falzperforation *f*
 fold pressing Falzpressung *f*
 fold softening Falzweichung *f*
 fold tightening Falzverstärkung *f*
 fold-to-print register Falzregister *n*
 fold inserting (convey) Falz hinten
 fold variations *pl* Falzvariationen *pl*
 folio Kolumnenziffer *f*, Pagina *f*, Seitenzahl *f*,
 toter Kolumnenziffer *m*
 folio edition (book) Foliosgabe *f*
 folio *pl* Paginierung *f*, Seitennummerierung *f*
 folio size Folioformat *n*
 folio volume Foliant *m*
 follow copy (correction instruction) nach
 Manuskript
 follow-up control (process control)
 Nachkontrollierung *f*
 follow-up display (process control)
 Nachhilfsanzeige *f*
 follow-up bitter (advertising) Nachbitter *m*
 font (typeset) Font *m*, Fontsetzechnik *f*, Schrift
 font die (optomechanical phototypesetter)
 Schriftsteche *f*

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format adjustment - four-colour printwork

format adjustment Formateneinstellung *f*,
 Größenanstellung *f*
 format change Formatänderung *f*
 format change-over Formatumschaltung *m*
 format change-over Formatumstellung *f*
 formation of fungus (fountain solution)
 Pilzbildung *f*
 formation of nuclei (fountain solution)
 Fäzbildung *f*
 format range Formatbereich *m*
 format setting Formateneinstellung *f*,
 Größenanstellung *f*
 format storage (comp.) Formatpeicher *m*
 formatted data formatierte Daten *pl*
 formatted text formatierter Text *m*
 formatting (data) Formatierung *f*
 format VI printing press Druckmaschine im
 Format VI
 forme (print forme) Form *f*, Druckform *f*,
 (letterpress forme) Druckstock *m*
 forme assembly Formensammlung *f*
 forme bed (bed press) Druckfundament *n*,
 Formfundament *n*
 forme cerette (letterpress *m*) Formkerzen *m*
 forme chase Formrahmen *m*
 forme cylinder Formzylinder *m*; (rotary
 letterpress) Kleezylinder *m*
 forme taking Einleiten der Druckform
 forme positioning Formeinpassung *n*
 forme positioning device Formeinpaßvorrichtung
f
 formes (press folder) Falztrichter *m*, Trichter *m*
 forme rack (feed comp.) Formenregal *n*
 formes fold (web printing) Langfalz *m*,
 Trichterfalz *m*
 forme folder Falztrichterapparat *m*
 forme nose (formy folder) Trichternase *f*
 forme roller Aufzugswalze *f*, Formwalze *f*
 forme plate (press folder) Falztrichter *m*
 forme roller (web press) Trichterwalze *f*
 forme superstructure (press folder)
 Trichtergerüst *m*
 forme tray Formenansportwagen *m*
 forme binding Formulaphilung *f*
 forme collar Formulazusammendragsmaschine *f*
 forme composition (typesetting) Formularsatz *m*
 forme design Formulagegestaltung *f*
 forme press Formuladruckmaschine *f*
 forme roller Formulandruck *m*
 forme printing Formulandruck *m*
 forme production Formulafertigung *f*
 forme set Formularsatz *m*
 forme set gluing Formularsatzklebung *f*

Ink absorption - ink jet lettering

[illegible]

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ink dry-up (*vor rollen, blanker etc*) Eintrocknen
der Farbe, Farbdruck *n*
ink dust Feinbrennen *m*
ink dust blade Feinbrenner *n*, Düktenthal *n*
ink (dust) safe Feinbrenner *n*
ink dust feeder Feinbrennprofil *n*
ink dust roller Feinbrenner *n*, Farbstrahlwalze *f*
ink dust roller Farbdrukler *m*, Farbstrahlwalze *f*
ink emulsion(*ed*) (offset) Feinbrennkunst *f*
ink(er) (inking roller) Farbwalze *f*
ink factory Druckfabrikdruck *f*, Farbherstellers
m
ink feed(ing) Farbzugführung *f*, Farbzugsteuerung *f*
ink feed(ing) Farbzugführung *f*, Farbzugsteuerung *f*,
Farbzugheber *f*
ink feed system Farbdrucksystem *n*
ink film Farbfilm *m*, Farbschicht *f*
ink film profile (inkling wall) Farbschichtprofil *n*
ink flow (*through ink tray*) Farbaufstrich *m*
ink frame roller Farbaufzugswalze *f*
ink frame roller Farbaufzugswalze *f*
ink formula Farbformel *n*
ink formula Farbfarben *m*
ink formula blade see ink dust blade
ink fountain key see ink key
ink fountain roller Farbdrukler *m*,
Farbstrahlwalze *f*
ink fountain separator Farbstandemaler *m*
ink gap (between rollers) Farbspalt *m*
ink glass (roller) Farbglas *n*; Farbzugblech *f*
ink glass Farbglas *n*
ink glass Farbglas *n*
ink ink auftragung der Farbe, Farbauftrag *m*,
Farbzugführung *f*, Farbzugweg *m*
ink(ing) ball Druckballen *m*, Farbballen *m*,
Tempo *n*
ink(ing) drum (grauve press) Farbdrehband *m*
ink(ing) control Farbzugführung *f*, Farbzugsteuerung *f*
ink(ing) correction Farbkorrektur *f*
ink(ing) fluctuation *pl* Farbschwankungen *pl*
ink(ing) bed Farbbett *n*
ink(ing) primer Unterdruckrolle *f*
ink(ing) profile (inkling wall) Farbschichtprofil *n*
ink(ing) reduction Farbdrehklinge *f*
ink(ing) roller Farbwalze *f* (grüner)
ink(ing) safe Feinbrenner *n*
ink(ing) system Farbwerk *n*
ink(ing) wall Farbwand *n*, (grauve) Einfuhrwand *n*
ink(ing) up (*ink roller, ink train*) Einführen *n*;
(interpress forme) Einwalzen *n*;
(interpress forme) aufdrilling farne Einführen der
Druckform
ink let address ink-let-Adressierung *f*,
ink-let-Beschreibung *f*
ink let empirical ink-let-Adresse *m*
ink let printing ink-let-Beschreibung *f*

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[illegible]

Ink jet printer - ink zone

[illegible]

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